

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

REMARKS

The present application contains claims 1-45 and 49-64. Claims 1, 2, 4, 11, 12, 13, 29, and 33 through 37 have been amended and claims 55 through 64 have been newly added.

The rejection based on Section 112 is respectfully traversed. In accordance with the Examiner's suggestion, claim 1 has been amended to recite "only any one betting chip" as set forth in the paragraph at the top of page 3 of the Official Action.

In addition thereto, the value of x has been recited as being a compound fraction, as set forth in claim 59. New claim 60 further limits the number of betting chips received by the weighing means as lying in the range of 1 to 25. It is submitted that the number of possible combinations is thus clearly limited and is not infinite. In addition, new claim 61 recites that the monetary values of the betting chips lie in a range from 1 to 100 monetary units. Claim 62 recites that the monetary limits are dollars.

It should be clearly noted from the chart of Figure 6b that the number of combinations of the four (4) betting chips each having different weights is clearly a finite and limited number, in addition to which, each possible combination has a different value at least as great as 0.10 grams to facilitate the weighing means to obtain an accurate weight.

Applicant: Ornstein et al.
Application No.: 09/305,562

In addition to the above, it is not understood why claims such as claim 12 have been rejected under section 112 since only one chip is being wagered and weighed, in addition to which claim 12 has been amended to recite that the betting chips employed have four (4) denominations. Also, there is no limitation in claim 12 relating to weights of chips dealing with weighing combinations of different chips since only one chip is being weighed. Claims 13 through 17 all depend from claim 12 and it is submitted that these claims meet the requirements of Section 112. Claim 11 is similar to claim 12 in that only one (1) chip is measured and thus claim 11 is deemed to comply with Section 112. Claims 19 through 24 all depend from claim 11 and are likewise deemed to comply with Section 112.

Similarly, claim 25 and claim 26 call for measuring only a single chip.

Claims 27 and 28 recite weighing means for sequentially determining the weight of each chip and for summing the monetary values of the sequentially weighed chips.

Claim 29 recites that the chips each have a weight representing a given monetary value and a weight of each chip of a given monetary value being different from a weight of chips of a different monetary value and wherein a total weight of chips of a given monetary value which equals a higher monetary value chip is different from a weight of a single chip of said higher monetary value. Claims 30 through 37 all depend from claim 29, a minor amendment being made to claims 33

to 37 to change the word "apparatus" to the word "combination" used at line 1 of parent claim 29.

Claim 38 does not recite any of the limitations of the preceding claims 1 through 37 dealing with the total weight of combinations of betting chips and it is submitted that claim 38 complies with Section 112. Claim 38 has been amended to cure a spelling error. Claim 39 likewise has no limitations dealing with chip weights or denominations and thus is submitted to comply with Section 112.

Claims 40 through 45 all depend from claim 11 and recite limitations directed specifically to the games of blackjack, poker, craps, back-a-rack and roulette and are submitted to comply with Section 112.

Claims 49 and 50 contain no limitations regarding weight combinations and it is submitted that these claims comply with Section 112.

It is noted that claims 51 through 54 are free of any Section 112 rejection. In view of the foregoing, it is submitted that the rejection of claims 1-45 and 49-50 under Section 112, should be withdrawn.

Claims 1-4 have been rejected as unpatentable over Franchi under Section 103 (a). This rejection is respectfully traversed.

The Examiner admits that Franchi does not disclose weighing means or using betting chips that have different weight denominations stating that it is notoriously well known to distinguish betting chips such as coloring and size, based

upon the monetary values and stating that Franchi discloses chips of different values have different weight "the chips would have to have distinguished the number of chips in order to determine the chip's monetary value when the weight of the chip would have to be distinguishable enough in order to determine the monetary value of a pile of chips." The Examiner further states "in order to correctly determine the combination of betting chips from another combination stack of betting chips stack from another, the weights of the chips would have to be distinguishable enough so that ("the weight of") a pile of chips should not equal ("the weight of") another pile of chips. Furthermore, it is notoriously well known in the gaming art that casinos use a wide variety of betting chips that include one, five, twenty-five and one hundred monetary units. Therefore, it would have been obvious to anyone having ordinary skill in the art at the time the invention was made to determine the monetary value based on weight in order to help limit dealers from skimming money from the casinos".

It should be noted that Franchi is limited to teaching sensors that may be provided to detect "the color, size or weight of the chip. If chips of different values have different colors, weights and sizes." It is submitted that Franchi is limited in teaching examination of a single chip and there is no teaching of simultaneously weighing a group of chips having different monetary values and hence different weights. In addition, Franchi neither teaches nor remotely suggests providing

Applicant: Ornstein et al.
Application No.: 09/305,562

betting chips having weights so that no combination of betting chips have a total weight which equal the weight of only any one betting chip. These features are neither taught nor remotely suggested by Franchi and it is submitted that claim 1 patentably distinguishes thereover. Claims 2 through 4 all depend from claim 1 and carry all of its limitations and hence are deemed to patentably distinguish over Franchi for the same reasons set forth hereinabove with regard to claim 1.

Applicant admits that casinos employ a wide variety of betting chips of different monetary values such as 1, 5, 25 and 100 monetary units. Nevertheless, there is no teaching or suggestion from this knowledge nor from the knowledge that betting chips of different colors and sizes exist, that the prior art teaches that chips of different weight (which represent different monetary value) can be weighed at the same time to determine monetary value. It is submitted that neither the observations made by the Examiner of what is notoriously well known by casinos suggests to one having ordinary skill in the art that such teachings may be combined with Franchi to teach the novel features of the present invention or that the reverse is true, namely that the teachings of Franchi may be combined with what the Examiner states is notoriously old in the casino field to suggest to one of ordinary skill in the art that the novel teachings of the present invention would be obvious in view of Franchi combined with what the Examiner alleges is known prior art. It is submitted that either what is well known in the art or Franchi must

suggest its use in combination with the other. It is submitted that motivation for combining what is notoriously well known to casinos with Franchi, or vice versa is not taken from either the knowledge of casinos or Franchi but is derived from having had the benefit of the teachings of the present application which provided the necessary motivation leading to the combination put forth by the Examiner. It is submitted that this combination results through hindsight which is improper and, since neither what is notoriously well known to casinos nor Franchi suggests their use with one another, this combination rejection should be withdrawn.

With regard to claim 4, the Examiner admits that Franchi does not disclose chips of different monetary values having different weights of x , $x+1$, $x+6.4$ and $x+26.3$ units. It should further be noted that claim 4 has been amended to recite that x is a compound fraction which is likewise not taught by Franchi. The Examiner states that "absence such as specific limitation being critical to the invention, the limitation of the weights does not serve to define nor determine patentability". Claim 4 has further been amended to recite that the assigned weights enable the weighing means to accurately determine a monetary value of betting chips of different weights on said weighing means. There is neither teaching nor remote suggestion of any such capability in the prior art, namely to have chips of different weights each representing a different denomination, be

Applicant: Ornstein et al.
Application No.: 09/305,562

capable of being placed on the weighing means and weighed together to determine total monetary value of said chips.

Claims 6 through 9, 12, 13, 29 and 31-35 have been rejected under 35 U.S.C. Section 103(a) as unpatentable over Franchi in view of Filiberti.

With regard to claims 6 and 9, the Examiner admits that Franchi does not disclose using an A/D converter, relying upon Filiberti for teaching an A/D converter coupled to a load cell for determining the weight and number of coins.

It should be noted that Filiberti is limited to teaching coin weighing means which is capable of weighing coins which are all the same denomination and the same weight. It should further be noted that the load cell employed in Filiberti is **not** used to determine the **number** of coins but is limited to determine weight. Note column 4, lines 42 through 54 where "coin in" and "coin out" signals, described as being pulses (wherein one pulse represents one coin), are utilized to indicate a count of coins.

Even assuming Filiberti to teach an A/D converter, the teachings lacking in Franchi are likewise lacking in Filiberti and, even assuming the A/D converter of Filiberti is useable in Franchi, which applicant admits only for purposes of argument, Filiberti still lacks the teachings pointed out hereinabove which are lacking in Franchi.

Making reference to claims 7 and 8, the Examiner admits that Franchi fails to teach a table look-up means or a memory for storing monetary value, relying upon Filiberti for disclosing tests on the coins and for determining proper denomination which would be stored in a table where the controller would be able to gain a count on the coins in the memory, the Examiner stating that it would have been obvious to anyone having ordinary skill in the art at the time the invention was made to use table look-up means in Franchi's betting system because it is conventional to have data bases to store data in a table format. Although Applicant admits that Filiberti teaches the use of a variable memory 10 to store data to enable the execution of programs, there is neither teaching nor remote suggestion of table look-up means. It is further not understood what the Examiner means about it being conventional to have data bases to store data in a table format and Applicant requests clarification of this statement. Nevertheless, there is no teaching of having a table look-up means for purposes of determining monetary value based on a total chip weight.

The Examiner states that claim 12 corresponds in scope to a method set forth for use of the system listed in claims 1 through 10 and are encompassed by uses set forth in the rejection above. In view of the fact that the Examiner admits that claim 12 corresponds in scope to claims 1 through 10 it is submitted that claim 12

patentably distinguishes over the art of record for the same reasons set forth hereinabove with regard to claims 1 through 10.

With regard to claim 13, the Examiner admits that Franchi fails to teach transferring values to a remote location through a communication link and relies upon Filiberti for teaching a communication link to send coin counts to authorized employees for verification making reference to Figure 4 and column 5, lines 26 through 51. Figure 4 of Filiberti does not teach a communications link and column 5, lines 26 through 51 is limited to teaching an ID communicated from a data wand to CPU 106. There is no teaching in Filiberti of a communication link and transferring stored monetary values to a remote location through the communication link.

The Examiner states that claims 29, 31 and 32 correspond in scope to claims 1 through 4, 6 through 9 and 13 and for these reasons it is submitted that claims 29, 31 and 32 patentably distinguish over the art for the same reasons set forth hereinabove with regard to claims 1-4, 6-9 to 13.

Regarding claims 33 through 35, the Examiner relies on Franchi for teaching a betting card which has a magnetic strip to identify the player and a console to read the information off the card. Even assuming that Franchi teaches these capabilities, it should be noted that claims 33 to 35 depend from claim 29 and carry

Applicant: Ornstein et al.
Application No.: 09/305,562

all its limitations and hence are deemed to patentably distinguish over the art for the same reasons as set forth above with regard to claim 29.

Claims 5, 10, 11 and 14-24, 30, 38-45 and 51-53 have been rejected under Section 103a as unpatentable over Franchi in view of Ornstein et al (patent '574). This rejection is respectfully traversed.

It should be noted that the Ornstein '574 patent issued August 4, 1998 in the names of the inventors Ornstein and Hanbicki. It should be noted that the present application, which was invented by the same two inventors recited in the '574 patent, was filed June 8, 1999, less than one year from the issue date of the '574 patent and, in view of the fact that the '574 patent is not the patent or invention "of another" it is submitted that the '574 patent is not prior art to the present application and hence this rejection is improper and should be withdrawn.

Claims 49 to 50 have been rejected under 35 U.S.C. Section 103(a) as unpatentable over Franchi in view of Filiberti and further in view of Ornstein '574 and further in view of Ornstein '431. This rejection is respectfully traversed. In view of the fact that Ornstein '574 is not proper prior art, for the reasons set forth above, it is submitted that this rejection should be withdrawn.

New claim 55 depends from claim 1 and carries all its limitations and hence is deemed to patentably distinguish over the art of record for the same reasons set forth hereinabove with regard to claim 1. Claim 55 further recites that there are

four denominations of betting chips, each lower denomination chip having a monetary value which divides evenly into values of all of the higher denominations and wherein a number of chips of each denomination needed to equal a single one of the chips of the higher denominations, except for that denomination which is greater than all of the other denominations, have a total weight which is greater than the weight of a chip of each higher denomination. These features are neither taught nor remotely suggested by any of the cited prior art and it is submitted claim 55 patentably distinguishes thereover. Claims 56 and 57 depend from claim 55 and carry all its limitations and hence are deemed to patentably distinguish over the art of record for the same reasons set forth hereinabove with regard to claim 55. Claim 58 depends from claim 1 and recites the weight of each betting chip being a compound fraction. Claims 60 through 62 all depend from claim 4 and carry all of its limitations and hence are deemed to patentably distinguish over the art of record for the same reasons set forth hereinabove regard to claim 4.

Claim 63, which depends from claim 12, recites that the number of different chips may be weighed at one time is no greater than 25 and claim 64 depends from claim 63 and recites that the number of chips that may be weighed at one time is preferably no greater than four (4). These features are neither taught nor remotely suggested by the cited prior art. It should be noted that these features enable a group of chips of different denominations (and hence different weights) to be

Applicant: Ornstein et al.
Application No.: 09/305,562


weighed together to determine their monetary value and to accurately distinguish their monetary value from groups of chips made up of different combinations of chips (see Figure 6b of the present application).

In view of the foregoing, it is submitted that claims 1-45 and 49-64 patentably distinguish over the art of record and reconsideration and allowance these claims are earnestly solicited.

Favorable action is awaited.

Respectfully submitted,

Ornstein et al.

By 
Louis Weinstein
Registration No. 20,477
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

LW/bbf